

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**UNITED STATES OF AMERICA *ex rel.*
JEFFREY H. LIEBMAN and DAVID M.
STERN, M.D.**

Plaintiff,

v.

**METHODIST LE BONHEUR
HEALTHCARE, METHODIST
HEALTHCARE-MEMPHIS HOSPITALS,**

Defendants.

Case No. 3:17-CV-00902

**District Judge William L.
Campbell, Jr.**

**Magistrate Judge Barbara D.
Holmes**

UNITED STATES' MOTION TO STAY

The United States respectfully moves for a stay of this action to permit the parties to memorialize the settlement of this matter. In support of this motion, the United States states as follows:

1. On October 6, 2023, the United States filed a Motion to Enforce Settlement Agreement. Dkt. No. 459.

2. On October 20, 2023, Methodist opposed the Motion. Dkt. No. 463.

3. The United States Attorney's Office understands that Methodist and HHS-OIG have now reached an agreement in principle on administrative matters and that Methodist and Relators have now reached an agreement in principle on the amount of reasonable attorneys' fees and costs.

4. Therefore, the United States now requests a stay of this action to memorialize the settlement in a written agreement.

5. The parties conferred on the possibility of making this a joint motion, and Methodist was willing to jointly move to stay the case. However, Methodist insisted that the United

States include non-material terms and information about the administrative agreement in the joint motion, which the United States declined to do. After the United States informed Methodist that it intended to file this motion to stay on its own, Methodist's counsel took no position on the instant motion.

5. The United States proposes that the parties file a report on the status of the settlement by December 1, 2023.

Respectfully submitted,

HENRY C. LEVENTIS
United States Attorney
Middle District of Tennessee

By: s/ Ellen Bowden McIntyre
THOMAS J. JAWORSKI
First Assistant United States Attorney
ELLEN BOWDEN MCINTYRE, BPR #023133
SARAH K. BOGNI, B.P.R. #028326
ROBERT S. LEVINE
Assistant United States Attorneys
United States Attorney's Office
719 Church Street, Suite 3300
Nashville, TN 37203
Email: thomas.jaworski2@usdoj.gov
Email: ellen.bowden2@usdoj.gov
Email: sarah.bogni@usdoj.gov
Email: robert.levine@usdoj.gov

Counsel for the United States

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2023, a true and correct copy of the foregoing was served via email to the following:

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Bryan A. Vroon Law Offices of Bryan A. Vroon, LLC 1380 West Paces Ferry Road, Suite 2270 Atlanta, GA 30327 Email: bryanvroon@gmail.com</p> | <p>Edward D. Robertson, Jr. Bartimus, Frickleton & Robertson 715 Swifts Highway Jefferson City, MO 65109 Email: erobertson@bflawfirm.com</p> |
| <p>Jerry E. Martin David Rivera Seth Marcus Hyatt Barrett Johnston Martin & Garrison, PLLC 200 31st Ave. North Nashville, TN 37203 Email: jmartin@barrettjohnston.com Email: shyatt@barrettjohnston.com Email: drivera@barrettjohnston.com</p> | <p>Robert Salcido (Admitted <i>Pro Hac Vice</i>) Akin Grump Strauss Hauer & Feld LLP 2001 K Street, N.W. Washington, D.C. 20006 Email: rsalcido@akingrump.com</p> |
| <p>Brian D. Roark Anna M. Grizzle J. Taylor Chenery Taylor M. Sample Hannah E. Webber Bass, Berry & Sims PLC 150 Third Avenue South, Suite 2800 Nashville, TN 37201 Email: broark@bassberry.com Email: agrizzle@bassberry.com Email: tchenery@bassberry.com Email: taylor.sample@bassberry.com Email: hannah.webber@bassberry.com</p> | <p>Andrew F. Solinger, Esq. HOLLAND & KNIGHT LLP 511 Union Street, Suite 2700 Nashville, TN 37219 Email: Andrew.solinger@hklaw.com</p> |
| <p>John-David H. Thomas, Esq. Barnes & Thornburg, LLP 827 19th Avenue, Suite 930 Nashville, TN 37203 Email: jd.thomas@btlaw.com</p> | |

s/ Ellen Bowden McIntyre
ELLEN BOWDEN MCINTYRE
Assistant United States Attorney